

Exhibit K

MEMORANDUM OF UNDERSTANDING
The Local Agency Formation Commission of Monterey County

THIS MEMORANDUM OF UNDERSTANDING (hereinafter "MOU") is made and entered into on April 9, 2003, by and between the LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY ("LAFCO") and the CITY OF GREENFIELD ("City"), as follows:

Recitals

This MOU is entered into with reference to the following facts and circumstances:

- a) Purpose. Both parties recognize that the purpose of this Memorandum of Understanding is to comply with terms and conditions approved by LAFCO on June 24, 2002 in its Resolution 02-08 for the "Gianolini Reorganization" (*LAFCO File No. 02-03*).
- b) Requirement. The term and condition referenced above states: "That a Memorandum of Understanding be executed between the City of Greenfield and LAFCO indicating, that when the Sphere of Influence is next amended for the City, an agricultural buffer easement be recorded in the area now being designated as Future Study Area. The buffer zone shall be a minimum of 200 feet in width, and be located within and at the edge of the updated sphere boundary. The buffer zone shall contain non-access provisions for the extension of services. Land uses in the buffer area shall be limited to minimize the impact from agricultural operations. The easement shall be held by the Monterey County Agricultural and Historical Land Conservancy and the County of Monterey in perpetuity. In addition, the Memorandum of Understanding shall address the nature and extent of an agricultural buffer along the entire updated Sphere of Influence boundary of the City."
- c) Future Study Area. Both LAFCO and the City concur that the inclusion of unincorporated land located south of the City and west of Highway 101, as more specifically shown on Exhibit A, which is attached hereto, is appropriate as a possible future expansion area of the City that will be further studied as part of a required Sphere of Influence update.
- d) Intent. It is the intent of the MOU, therefore, to set forth certain understandings between the parties to express their intent to jointly pursue a course of action to ensure that agricultural buffers are placed where needed to promote the agricultural viability of adjoining farmlands.
- e) It is recognized that numerous further actions must be taken to comply with state and local laws and regulations which may affect certain provisions contained herein, however, both parties agree to make a good faith effort to comply with and implement the provisions of this MOU, as follows:

Provisions

1. Sphere of Influence. Both parties understand that the intent of the Commission is to evaluate the territory designated as Future Study Area as shown on Exhibit A for inclusion in the Sphere of Influence that will be updated by the Commission. It is further recognized that additional buffers surrounding the City will also be addressed in that Sphere of Influence document.
2. Requirements. An agricultural buffer easement will be required to be executed prior to annexation or reorganization of any of that territory shown on Exhibit A designated as Future Study Area.
3. Memorandum Reopener. At the request of either agency, the City and LAFCO agree to renegotiate this memorandum of understanding if new sphere of influence policies are developed by LAFCO
4. Further Actions. Each of the parties agrees to execute and deliver to the other all such documents and instruments, and to take such further actions, as may reasonably be required to give effect to the provisions of this MOU.
5. Interpretation. It is understood by the parties hereto that this MOU has been arrived at through negotiation and that neither party is to be deemed the party that prepared this MOU within the meaning of Civil Code § 1654. The provisions of this MOU shall be interpreted in a reasonable manner to affect the purpose of the parties and this MOU.
6. Definitions. For the purpose of this MOU, the following words and phrases shall have the meaning as described in this paragraph:
 - a) "Administrators" shall mean the City Manager of Greenfield, or the City Manager's designee, and the LAFCO Executive Officer, or such Officer's designee.
 - b) "Sphere of Influence" shall mean a plan for the probable physical boundaries and service area of a local agency, as determined by the Local Agency Formation Commission.
 - c) "Future Study Area" shall mean territory outside of an adopted sphere of influence that may warrant inclusion in the sphere in the future. Further study would have to be completed prior to inclusion.
7. Duty to meet and confer. If any dispute under this MOU arises, the parties shall first meet and confer in a good faith attempt to resolve the matter between themselves.
8. Amendment or Modification. This MOU may be amended, altered or modified only in writing, specifying such amendment, alteration or modification, executed by authorized representatives of both of the parties hereto.

9. Attorney's Fees and Costs. In the event it should become necessary for either party to enforce any of the provisions of this MOU by court action or administrative enforcement, the prevailing party, in addition to any other remedy at law or in equity available to such party, shall be awarded all reasonable costs and reasonable attorney's fees in connection therewith, including the fees and costs of experts reasonably consulted by the attorneys for the prevailing party.
10. Entire Document. This MOU constitutes the entire and complete document between the parties regarding the subject matter hereof.
11. Signatures. The administrators of each agency shall sign this MOU on behalf of each agency.

IN WITNESS WHEREOF, this MOU has been executed by the duly authorized officers of each of the parties on the date first shown above.

LOCAL AGENCY FORMATION
COMMISSION COUNTY OF MONTEREY

By Catherine S. West
Executive Officer
Catherine S. West

CITY OF GREENFIELD

By Randy Anstine
City Manager
Randy Anstine

THE LOCAL AGENCY FORMATION COMMISSION
OF MONTEREY COUNTY

RESOLUTION NO. 02-08

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF
MONTEREY COUNTY MAKING DETERMINATIONS AND APPROVING THE
PROPOSED "GIANOLINI REORGANIZATION" INVOLVING ANNEXATION
OF 43± ACRES TO THE CITY OF GREENFIELD AND DETACHMENT FROM
THE RESOURCE CONSERVATION DISTRICT OF MONTEREY COUNTY**

RESOLVED, by the Local Agency Formation Commission of the County of Monterey, State of California, that

WHEREAS, a resolution of application for the proposed "Gianolini Reorganization", involving annexation of 43± acres to the City of Greenfield and detachment from the Resource Conservation District of Monterey County, was heretofore filed and accepted for filing by the Executive Officer of this Local Agency Formation Commission, pursuant to Title 5, Division 3, commencing with Section 56000, et seq. of the Government Code; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56658, set May 20, 2002 as the hearing date on this proposal and gave the required notice of hearing; and

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in said notice of hearing and in any order or orders continuing such hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56665, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the purpose for this reorganization is to provide that city services will be available for proposed residential development to be located in the City of Greenfield; and

WHEREAS, the City of Greenfield will provide services to the proposal area; and

WHEREAS, this Commission, on May 20, 2002, heard from interested parties, considered the proposal and the report of the Executive Officer and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and

WHEREAS, the Commission has read and considered the Negative Declaration with Mitigation Measures and the Mitigation Monitoring Plan for the proposed Creekbridge/Gianolini annexation adopted by the City of Greenfield on February 19, 2002 in consideration of this proposal.

NOW, THEREFORE, the Local Agency Formation Commission of Monterey County does HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. This Commission read and considered the Negative Declaration with Mitigation Measures prepared for the proposed Creekbridge/Gianolini annexation and adopted by the City of Greenfield on February 19, 2002. The Negative Declaration indicates that no significant environmental impacts will result from the proposal provided that the mitigation measures contained in the Mitigation Monitoring Plan are implemented.

Section 2. Said proposal is approved subject to the terms and conditions hereinafter specified.

Section 3. The boundaries of the territory proposed to be annexed are hereby approved as described in Exhibit "A" attached hereto and made a part hereof. Said territory is assigned the following distinctive short form designation: "Gianolini Reorganization."

Section 4. Any resolution ordering such reorganization shall provide that such reorganization shall be made subject to the following specified terms and conditions:

- a. That the area south of Elm Avenue, as shown on the attached map, be designated as a Future Study Area.
- b. That a Memorandum of Understanding be executed between the City of Greenfield and LAFCO indicating, that when the Sphere of Influence is next amended for the City, an agricultural buffer easement be recorded in the area now being designated as Future Study Area. The buffer zone shall be a minimum of 200 feet in width, and be located within and at the edge of the updated sphere boundary. The buffer zone shall contain non-access provisions for the extension of services. Land uses in the buffer area shall be limited to minimize the impact from agricultural operations. The easement shall be held by the Monterey County Agricultural and Historical Land Conservancy and the County of Monterey in perpetuity.

In addition, the Memorandum of Understanding shall address the nature and extent of an agricultural buffer along the entire updated Sphere of Influence boundary of the City.

- c. That a Memorandum of Understanding, other agreement, or condition of approval on the development permit be submitted to LAFCO indicating that the first development to occur in the proposal area will provide improved and safe access from the proposed subdivision to the Oak Avenue School, Vista Verde and Greenfield High School.
- d. That the City of Greenfield add a mitigation measure to the Mitigation Monitoring Plan for this proposal that will limit approval of building permits if the available capacity of the City's wastewater treatment plant system is inadequate.

Section 5. The Local Agency Formation Commission shall conduct protest proceedings in accordance with Government Code Section 57000 et seq.

Section 6. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner and as provided in Section 56882 of the Government Code.

Section 7. The applicant agrees as a condition of the approval of this application to defend at their sole expense any action brought against LAFCO, the Commission and its staff, because of the approval of this application. The applicant will reimburse LAFCO for any court costs and attorneys' fees which may be required by a court to pay as a result of such action. LAFCO may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition. An indemnification agreement shall be entered into by the applicant and the Executive Officer prior to the issuance of this Resolution.

UPON MOTION OF Commissioner Ingram, seconded by Commissioner Calcagno, the foregoing resolution is adopted this 24th day of June 2002 by the following vote:

AYES: Commissioners Ingram, Calcagno, and Johnsen.
NOES: None.
ABSENT: Commissioners Caballero and Smith.
ABSTAIN: None.

ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

Witness my hand this 7th day of August, 2002

By: Catherine S. West
Catherine S. West, Executive Officer

(Greenfield Annexation, 43.03 Ac. Ro. AS)

Annexation to the City of Greenfield:

Certain real property situate in Rancho Arroyo Seco, Monterey County, California, and being Lots 45, 46, 47, 48, 53, a portion of Lots 44 and 49, Twelfth Street and Elm Avenue, as shown on the "Map of Clark Colony", filed in Volume 1 of Cities and Towns at Page 64, records of said county and being more particularly described as follows:

Beginning at the most westerly corner of said Lot 53, in the present City limit line and running thence, along said City Limits line and the northwesterly line of said Lot 53 and Lot 48

1. N 54° 35' 00" E, 990.48 feet, to a point in the northwesterly line of said Lot 48 at the most southerly corner of said Lot 49; thence leaving the line of said Lot 48 along the southwesterly line of said Lot 49
2. N 35° 26' 40" W, 515.22 feet; thence leaving the southwesterly line of said lot 49; thence
3. N 54° 35' 00" E, 360.00 feet to a point on the easterly line of Twelfth Street, a county road 55 feet wide; thence along the northerly line of Twelfth Street
4. S 35° 26' 40" E, 184.81 feet, from which the most westerly corner of said lot bears S 54° 35' 00" W, 10.00 feet distant; thence leaving the northerly line of Twelfth Street and along the northwesterly line of said lots 47, 46, 45, and 44
5. N 54° 35' 00" E, 811.00 feet to a point on the northwesterly line of said Lot 44; thence leaving said line and along the southwesterly boundary of "Elmwood Estates", as shown on map filed in Vol. 16 of Cities and Towns at Page 26, records of said county
6. S 35° 27' 00" E, 970.37 feet to a point in the southeasterly line of said Lot 44 on the northerly line of Elm Avenue a city street 60 feet wide; thence along the northerly line of said road along the line of said Lots 44, 45, 46, 47 and 48
7. S 54° 34' 15" W, 1230.31 feet to a point in the easterly line of said Lot 48; thence leaving the line of said Lot 48
8. S 35° 25' 06" E, 40.00 feet to a point in the southerly line of Elm Avenue, now a county road being 40 feet wide, thence along the southerly line of said road

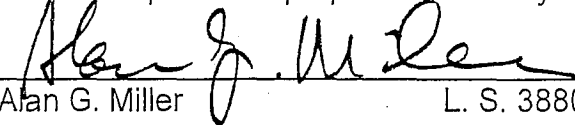
9. S 54° 34' 54" W, 931.25 feet thence leaving said road line to and along the southwesterly line of Lot 53

10. N 35° 26' 40" W, 680.26 feet to the Point of Beginning.

Courses all true.

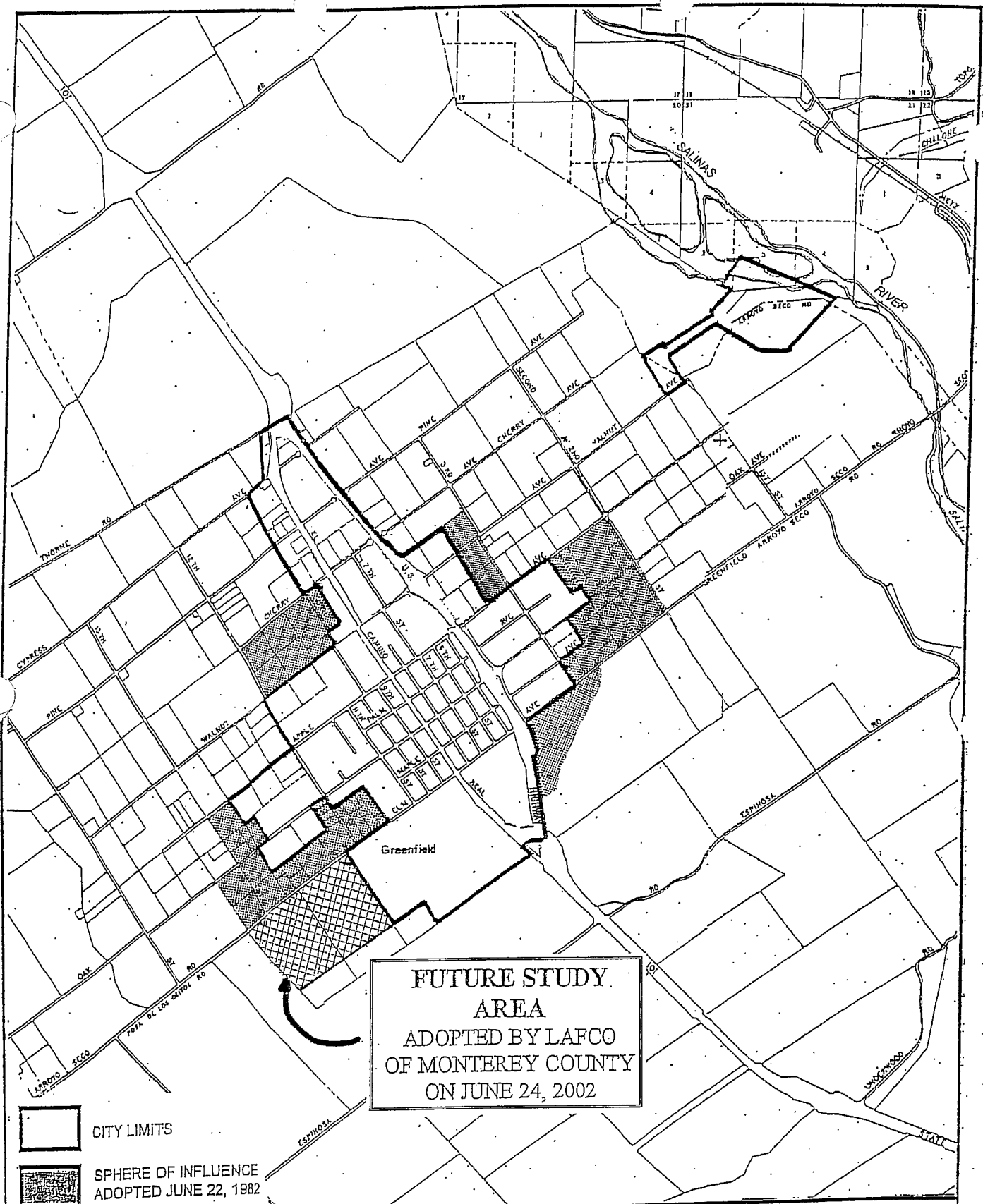
Containing 43.03 Acres, more or less

This description was prepared under my direction


Alan G. Miller L. S. 3880



AGM/am
MCS, Inc.
3/05/01



FUTURE STUDY
AREA
ADOPTED BY LAFCO
OF MONTEREY COUNTY
ON JUNE 24, 2002

- CITY LIMITS
- SPHERE OF INFLUENCE
ADOPTED JUNE 22, 1982

CITIES
GREENFIELD

